

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
117633/FH/2017	6 <sup>th</sup> Oct 2017	11 <sup>th</sup> Jan 2018	Didsbury East

**Proposal** Erection of a two storey rear extension and a single storey side extension to form additional living accommodation and installation of rooflights to the front and side

**Location** 53 Kingston Road, Manchester, M20 2SB

**Applicant** Mrs Shaheean Khan , C/O Agent,

**Agent** Mr Barry Tang, Tang and Associates Ltd Chartered Architects,  
Entrance W1 (First Floor), Westwood House, Greenwood Business  
Centre, Manchester, M5 4QH,

### **Description**

53 Kingston Road is a 2 storey detached dwellinghouse located within the Didsbury St. James Conservation Area. 53 Kingston Road is one of seven identical detached dwellings located on the eastern side of Kingston Road and it is understood that they were constructed for staff associated with the adjoining Shirley Institute (now The Towers Business Park).

The property sits in spacious grounds, beyond which to the north and south sit nos. 47 and 55 Kingston Road respectively, both 2 storey detached dwellings. To the east of the site there is a thick landscape belt running along the common boundary with The Towers site. To the west of the site, on the opposite side of Kingston Road, stands no. 56 Kingston Road, a part single/part 2 storey detached dwelling.

The applicant is proposing to erect a two storey rear extension and a single storey side extension to form additional living accommodation, along with the installation of rooflights to the front and side roof slopes.

Originally the ridge height of the rear extension matched the ridge height of the main house. However, following concerns about the bulk of the rear extension the applicant amended the proposal by reducing the height of this element of the proposal by approximately 0.5 metres and replacing the gable roof with a hipped roof. In addition, the applicant also reduced the rearward projection of the first floor element by approximately 0.7 metres.

To facilitate the proposal the existing single storey rear extension has been demolished and two apple trees are to be felled.

The existing and proposed front and side elevations are shown overleaf.



## Consultations

**Local Residents** – Correspondence has been received from eight households in respect of the original proposal, one in support and seven objecting. The points raised as detailed below:

- The proposed development is acceptable, though the tree survey needs to be updated to reflect the current proposal.
- There are a number of references in the Didsbury St James Conservation Area documents to the abundance of trees and this development would see the removal of a number of them. “The trees serve not only to screen one group of buildings from another, but to provide a unifying, leafy backdrop to the whole area’. This development would impact on that.
- The Didsbury St James Conservation Area document states that “Notice should be taken of these characteristics when preparing new schemes. The features...such as garden walls, hedges, gate posts, porches, styles and colours of window frames and roofing materials should all be taken into consideration....” Again the proposal does not reflect these conservation area concerns. The series of floodlights proposed for the front of the house should surely fit into this category. These would impact on the residential amenity of neighbours.
- The proposal is an over-development of the site, which ignores the character of neighbouring properties which are of a similar design to the property in its current form. If approved the extension will remove this unity of design and appearance.
- The extensions represent significant over-development of the site, with the footprint of the property increased by over 100%. This would make 53 Kingston Road unlike any other of the set of 7 Shirley houses and would have an adverse effect on the overall ambience and atmosphere of the road as a whole. Other extensions to these houses which have been approved, unlike this one, have been modest in size and scope and have not impacted negatively on the road or area.

- The Shirley houses are - contrary to the view expressed in the statement by the developer - of significance both in their own right as linked to the history of the Shirley Institute, and also as part of the Didsbury St James Conservation Area.
- The Didsbury St James Conservation Area is characterised by its wooded nature and this encourages the wild life - birds, bees, bats and animals - which share the area with those who live in it. The removal of a number of trees - not clear how many - and of at least one generous hedge will be to the detriment of the area as a whole and to local flora and fauna in particular. The negative impact of the wholesale removal of shrubs etc. can be seen at 58 Kingston Road.
- There will be an adverse effect of the proposed development on neighbouring properties. The removal of a hedge, and the erection of large extensions to one side and the rear of the property - in one case a two storey elevation - will impact negatively on the properties to either side of number 53, reducing their privacy and the value of their houses.
- Overall, the size and extent of this development is of a scale which renders it inappropriate for its proposed location and would have a negative effect on the surrounding neighbourhood rather than the positive one that the developer states.
- The overall 'look' and character of the houses have been maintained by the consistency that has been adopted by the City Council in the form and scale of extensions which have been approved in the past. It would be inconsistent if this policy was not maintained.
- Considerable change is proposed in the side and rear elevations of No. 53 Kingston Road which would mean the loss of the existing architectural character, and a considerable increase in the scale of the property, but would also and undermine the integrity of the group of 'Shirley Houses' as a whole.
- None of the existing hedges or trees should be removed as they are an important character of this conservation area.
- The proposal does not 'improve or enhance the area', a key consideration of planning applications in Conversation Areas.
- There is no justification for the removal of trees on the site, particularly Trees T13 and T14. In the original application for this site it clearly proposed the erection of garages but they do not appear on the drawings for this application and therefore these trees can be preserved. However in the Arboricultural Consultancy report it states that "T13 and T14 will need to be removed in order to accommodate the proposal. They are situated in the driveway and garage extension area of the proposal". This does not comply with the plans and therefore these trees must be retained and other trees identified for felling must also be preserved to maintain the environment and screening between properties.

Local Residents were notified of the amended scheme and six letters of objection have been received, the main points raised are outlined below:

- Loss of character of original Shirley house.
- Vast overdevelopment.
- Removal of trees and effect on wildlife and surrounding habitats.

- Light pollution from the roof lights.
- Total lack of regard for the Conservation area.
- No empathy shown to the line of Shirley homes.
- A poor arboriculturalist report which appears to be inaccurate.
- The scale of the development also appears massive.
- The new plans appear quite deceptive and camouflage a proposed development at least as large/dense in terms of square feet/metres as in the previous application.
- The applicant has failed to inform an accurate size of all extension work to be constructed on the property either in square feet or square metres. This makes it more difficult to visualise a) what can be seen when finally constructed and b) to what extent it alters the iconic architecture of all other Shirley Institute houses on Kingston road.
- The new proposal has now removed a section of the frontal extension facing Kingston road but only to shift it further back into the garden area making the rear section an even larger back extension.
- This makes this proposal even more unacceptable as it would intensify the rear development by completely destroying our privacy at 47 Kingston road.
- There are a large number of side windows facing no.47 Kingston road and other properties to be developed on 3 levels in the application for the North/West side. This will adversely affect the privacy at no 47 along the North and East side. Previously the new occupant at number 43 was ordered to brick up the window facing number no.45 Kingston Road. Other properties including no.42 and 44 will also suffer loss of privacy as a result of windows on this north side development at no.53 Kingston road.
- There are no clear diagrammatical references to T13, T14 (T3 and T4 T2) for removal on the new tree plan.
- The house which is proposed to be extensively altered is of historical significance as one of a number of 'Shirley' houses whose frontages have remained unaltered. The proposed development would have a big impact on this row of houses within the conservation area.
- The Council's own statement on the Conservation Area points out the value of the housing in Kingston Road - together with their wooded setting. "The whole of the Conservation Area is well-wooded. The trees serve not only to screen one group of buildings from another, but provide a unifying, leafy backdrop to the whole area." Therefore, it is of some concern that a number of the statements still made in the Heritage Assessment seem to underestimate the significance of the value of No. 53 Kingston Road as one of the group of 'Shirley Houses' and their contribution to the character and urban environment of this part of the Didsbury St. James Conservation area. It is surprising that the heritage assessment only refers to No 53 Kingston Road in isolation without reference to the neighbouring group of houses and asserts that the proposed extensions do not have any negative impact on the property or the neighbouring area".

**Ward Councillors** – A letter of objection has been received from Cllr Simcock, the main points are detailed below:

- The house which is proposed to be roughly doubled in size is of historical significance as one of a number of ‘Shirley’ houses whose frontages have remained unaltered. The proposed development would have a big impact on this row of houses within the conservation area.
- There are a number of references in the Didsbury St James Conservation Area documents to the abundance of trees and this development would see the removal of a number of them. “The trees serve not only to screen one group of buildings from another, but to provide a unifying, leafy backdrop to the whole area’. This development would impact on that.
- The applicant's own arboriculturalist writes “A number of trees have the potential to be affected by the proposals”, this should be a reason for refusing the plans.
- The Didsbury St James Conservation Area document states that “Notice should be taken of these characteristics when preparing new schemes. The features...such as garden walls, hedges, gate posts, porches, styles and colours of window frames and roofing materials should all be taken into consideration...” Again the proposal does not reflect these conservation area concerns. The series of floodlights proposed for the front of the house should surely fit into this category. These would impact on the residential amenity of neighbours.
- If this development is allowed it would create a precedent for all the other ‘Shirley’ houses to be extensively remodelled too.

**City Arborist** – There are no objections to the proposals for this site from an arboricultural perspective.

**Contaminated Land Section** – Suggests the imposition of a condition designed to prevent landfill gas ingress to the building.

**Manchester Conservation Areas and Historic Buildings Panel** – The Panel noted that the building could accommodate an extension of a reasonable size and scale that does not come forward of the established crescent shaped building line.

### **Policies**

**The National Planning Policy Framework (NPPF)** – The NPPF was published on the 27<sup>th</sup> March 2012 and replaces and revokes a number of Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government. The NPPF constitutes guidance for local planning authorities and decision-makers both in drawing up plans and as a material consideration in determining planning applications. It does not change the statutory status of the development plan, i.e. the Core Strategy, as the starting point for decision making and it states further that development that accords with an up-to-date local plan, such as the Core Strategy, should be approved unless other material considerations indicate otherwise.

The NPPF states that the planning system must contribute to the achievement of sustainable development. These are encapsulated into three categories: economic, social and environmental.

Within paragraph 17 of the NPPF, core land use planning principles are identified. The most relevant principles to this proposal are:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

In addition to the above, Section 12 (*Conserving and enhancing the historic environment*) is of relevance.

Section 12, *Conserving and enhancing the historic environment* – Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with conservation.
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation. The more important the asset, the greater weight it should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to loss or loss of a grade II listed building, park or garden should be exceptional.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**Core Strategy Development Plan Document** – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below

Policy SP1, *Spatial Principles* - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

**Policy EN3, *Heritage*** – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

**Saved UDP Policy DC1, *Residential Extensions*** – This policy is still considered of relevance and states that in determining planning applications for extensions to residential properties, the City Council will have regard to the following (Policy DC1.1):

- a) the general character of the property,
- b) the effect upon the amenity of neighbouring occupiers,
- c) the desirability of enabling people to adapt their houses in appropriate needs,
- d) the overall appearance of the proposal in the street scene
- e) the effect of the loss of any on site car parking.

Extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria (Policy DC1.2) :

- a) they are not excessively large or bulky(for example, resulting in structures
- b) which are not subservient to original houses or project out too far in front of the original buildings);
- c) they do not create an undue loss of sunlight, daylight or privacy;
- d) they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details;

**Saved UDP Policy DC18, *Conservation Areas*** – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
  - i. the relationship of new structures to neighbouring buildings and spaces;
  - ii. the effect of major changes to the appearance of existing buildings;
  - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
  - iv. street trees);
  - v. the effect of signs and advertisements;



- vi. any further guidance on specific areas which has been approved by the Council.
  
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.
- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

For reasons to be outlined below, it is considered the proposal accords with this policy.

**Legislative Requirements** – Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of the power to determine planning applications for any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

**The Manchester Green and Blue Infrastructure Strategy (G&BIS)** – The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers

2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

**Issues**

**Principle of the Proposal** – The principle of extending this domestic property along the lines proposed is considered acceptable and this is borne out in the fact that a number of the properties in the vicinity of the application site have had the benefit of planning permission for a variety of extensions, including the following three “Shirley” houses:

112103/FH/2016/S2 Approved - 14.09.2016	63 Kingston Road	Part single/part two-storey extensions to side and rear and alterations to front driveway.
099132/FH/2012/S2 Approved - 06.06.2012	65 Kingston Road	Erection of part single, part two storey rear and single storey side extensions
082809/FH/2007/S2 Approved - 20.12.2007	59 Kingston Road	Erection of 2 storey rear extension and single storey side extension following demolition of single storey side extension and detached garage
055348/FH/SOUTH1/98 Approved - 19.11.1998	65, Kingston Road	Erection of conservatory on Southern elevation
049597/FH/SOUTH1/96 Approved - 10.05.1996	59, Kingston Road	Two storey side extension to form enlarged dayroom, utility, toilet and additional bedroom and shower room.

Notwithstanding this, consideration must be given to the proposals impact upon the existing levels of residential and visual amenity enjoyed by the residents who adjoin the site, as well as the impact upon the conservation area and existing trees.

**Scale and Massing** – The original proposal did give cause for concern as the gable roof and rearward projection of 5.4 metres resulted in a large extension that would not have been subservient to the original dwelling. To overcome these concerns the applicant amended the proposal by replacing the gable roof with a hipped roof, by reducing the first floor rearward projection to 4.7 metres in length and by reducing the ridge height by 0.5 metres. Following these amendments it is now considered that the scale and massing of the 2 storey element is acceptable. The single storey side extension is typical of extensions approved and constructed in the locality, as such its scale and massing is considered acceptable.

Given the size of the site, i.e. approximately 1,000m<sup>2</sup>, and the fact that the proposed extensions are 10 metres, 3.4 metres and 9 metres away from the common boundaries with no. 47 Kingston Road, The Towers and no. 55 Kingston Road respectively, it is considered that the scale and massing of the proposed development is acceptable in the context of this site. The existing and proposed layouts are shown below:



**Design** – The design of the extension is traditional in nature and will utilise materials that will match those used in the main dwelling, namely red brick and roof tiles. In addition, the proposed roof extension has been amended from a gable to a hipped design and this is more in keeping with the application property and those in the immediate neighbourhood. The window openings have a vertical emphasis evident in some of the existing windows, while the full height glazing to the rear loft accommodation introduces a contemporary element. Overall, the design of the extensions is considered acceptable.

**Impact on Didsbury St. James Conservation Area** – Policy EN3 of the Core Strategy, along with section 12 of the NPPF, states that consideration must be given to the impact of new developments on heritage assets. In this instance, the application site is located within the Didsbury St. James Conservation Area.

The Didsbury St. James Conservation Area, which lies nine kilometres south of the city centre, was designated in November 1970. It is centred on the historical core of Didsbury, at the junction of Wilmslow Road and Stenner Lane, and covers an extensive area. Most of the conservation area is on level ground, but there is a slope down Millgate Lane, Kingston Road and Stenner Lane where the higher land gives way to the lower level of the Mersey flood plain. Architectural styles vary from the Perpendicular of St James's Church to the Classical and Gothic of public buildings and of the more grandiose houses. Remnants of older and more modest houses exist in simple vernacular character.

A great variety of building materials is used in the conservation area. Most common is red brick for walls and blue slate for roofs. Stone dressings, in conjunction with brickwork, are used extensively, and several buildings are built entirely of stone, notably the two churches. The whole of the conservation area, with the exception of playing fields, is well wooded. The trees serve not only to screen one group of buildings from another, but to provide a unifying, leafy backdrop to the whole area.

The requirement to preserve or enhance the Conservation Area is a key requirement within policy EN3 of the Core Strategy, saved UDP policy DC18, along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials. In terms of informing the character and form of new development in the area, it is considered that careful consideration should be given to the existing character of the area including the size, mass and appearance (including materials) of the older buildings.

The 2 storey element of the proposal is sited at the rear of the property and is not highly visible from the highway due to the orientation of no. 53 Kingston Road, the neighbouring dwellings and the mature landscaping that exists along the road frontage. Furthermore, due to the siting of the extensions, the crescent setting of the “Shirley houses” has been retained. Given this and the fact that the design of the both extensions, which utilise materials used extensively throughout the conservation area, is considered acceptable, it is considered that the proposal results in “less than substantial harm” (paragraph 134 of the NPPF) to the character of the conservation area.

It is acknowledged that there is some impact on the space within the site and some impact on the character of the original dwellinghouse. However, when assessed against the tests set out in the NPPF it is considered this amounts to less than substantial harm. Furthermore, it is considered that this limited harm is outweighed by the public benefit, which in this case which allows a dwelling to be enlarged due to the needs of the occupier and the site to be used in a positive way.

**Impact upon the nearby Listed Building** – The proposal will have no physical or visual impact upon the nearby listed building, namely The Towers and no. 40 Kingston Road, given that they are both approximately 95 metres away.

**Visual Amenity** – The scale, massing and design of the proposed extensions are comparable to properties within the vicinity of the site. Given this and the fact that the rear extension would not be readily visible from the Kingston Road, it is not considered that the proposal will have a detrimental impact upon the levels of visual amenity enjoyed in the locality.

**Residential Amenity** – Given the orientation of the development, in particular the 2 storey element, and the mature tree coverage throughout and adjacent to the site, it is not considered that the proposal will have an impact upon the existing levels of privacy and residential amenity enjoyed by the occupants of the adjoining dwellings.

The only proposed windows at first floor level are the two located in the north-western elevation (a bedroom window and a window to an ensuite bathroom). Given that they are approximately 18 metres away from the common boundary with no. 47 Kingston Road and considerable screening exists along that boundary it is not considered that they will raise any significant privacy issues.

**Light Obtrusion** – Concerns have been raised about light pollution from the proposed rooflights. Given the existence of roof lights and other forms of illumination throughout the area, including the adjoining business park, it is not considered that the proposed rooflights will add significantly to any existing light obtrusion.

**Trees** – Two trees (T3 and T4 – apple trees) are proposed to be felled to facilitate the development, in particular the single storey side extension. Both trees are Category C trees (*Trees of low quality*) and as such their removal is considered acceptable. The City Arborist has raised no objections to their removal.

Consent to fell tree T4 has been given on 12<sup>th</sup> December 2017 under application 117932/TCA/2017. To mitigate against the loss of that tree and the two others applied for, the City Arborist stipulated that a native deciduous tree, such as a silver birch or oak, should be replanted in a similar location to the existing holly tree located along the front perimeter of the site. In addition to this replacement tree, a planning condition is suggested which will require the planting of further specimens to compensate for the loss of trees T3 and T4.

**Pedestrian and Highway Safety** – The proposal will not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed along Kingston Road.

## **CONCLUSION**

It is recognised that the “Shirley Houses” are a feature of the conservation area and that offer a unified frontage on this section of Kingston Road. Notwithstanding this, it is acknowledged that these dwellings are capable of being extended without comprising the crescent setting and this is evident in the number of extensions previously approved on these houses. It is considered that this proposal does not compromise the crescent setting of these houses nor impact upon the overall character of the Didsbury St. James Conservation Area and as such results in “less than substantial harm”.

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person’s home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land

that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      APPROVE**

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to the planning application.

### **Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse**

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- a) Drawing no. 9321/001 revision D, stamped as received on 20th September 2017
- b) Drawing no. 9321/110 revision D, stamped as received on 5th December 2017
- c) Drawing no. 9321/120 revision D, stamped as received on 5th December 2017

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) The development shall include the installation of a proprietary gas protection membrane, in order to alleviate any possibility of landfill gas ingress to the building. Appropriate and comprehensive construction designs shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas, pursuant to policies DM1 and EN18 of the Core Strategy.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained in the Tree Survey (Christians Environmental ref KR-BS-001 revision A, stamped as received on 4th October 2017); and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

6) No development shall commence until a tree replacement scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the development hereby approved is completed. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

#### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 117633/FH/2017 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Neighbourhood Team Leader (Arboriculture)  
Didsbury Civic Society  
Contaminated Land Section

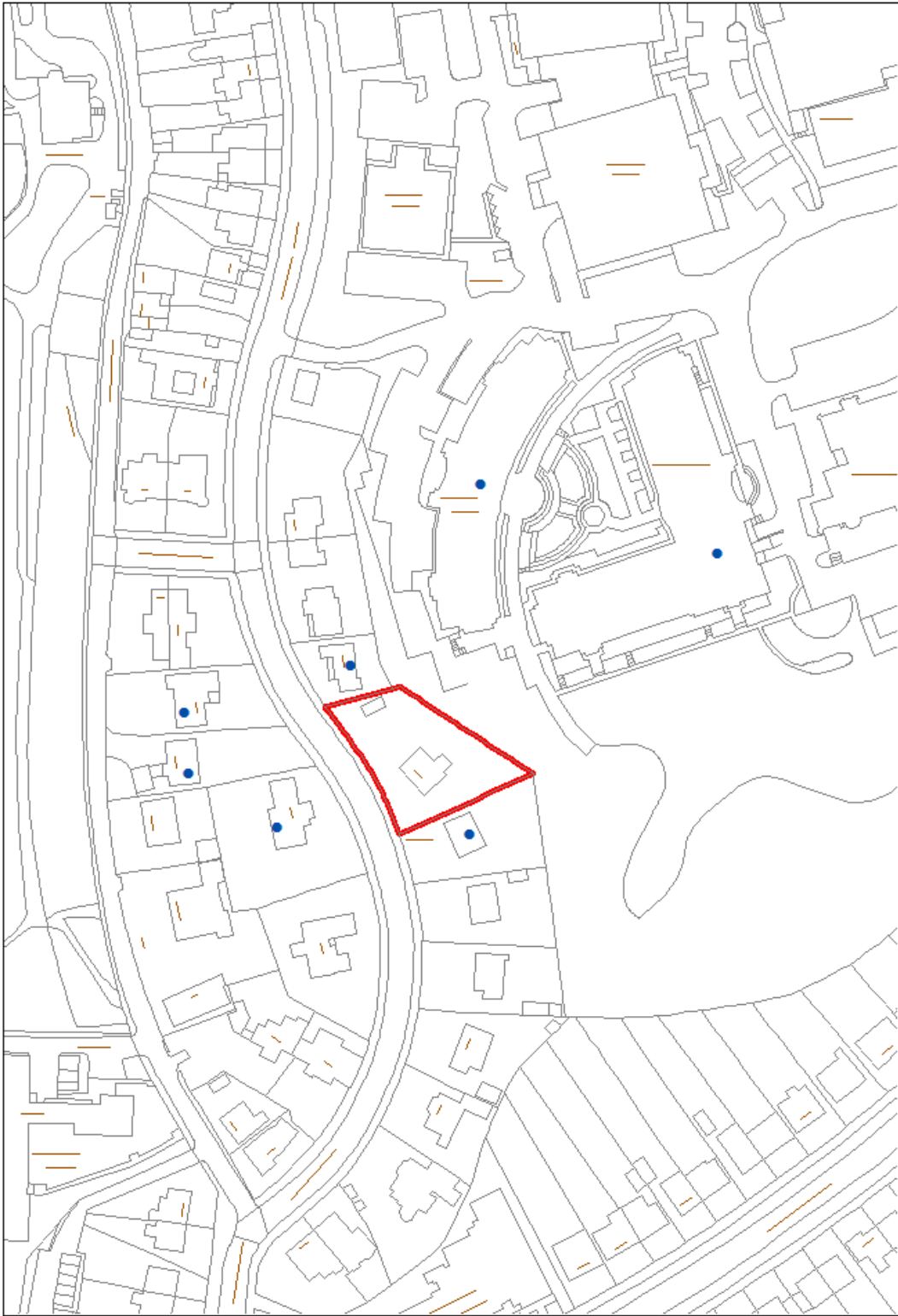
A map showing the neighbours notified of the application is attached at the end of the report.


**Representations were received from the following third parties:**

Councillor Simcock  
Contaminated Land Section  
6, 32, 42, 47, 55, 56, 57 Kingston Road,  
1 x No Address Supplied

**Relevant Contact Officer :** David Lawless  
**Telephone number :** 0161 234 4543  
**Email :** d.lawless@manchester.gov.uk





 Application site boundary  Neighbour notification  
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